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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,628	03/25/2004	Nagaraja Rao	2003P04328 US01	7484
<div>Elsa Keller Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830</div>			<div>EXAMINER OKORONKWO, CHINWENDU C</div>	
			<div>ART UNIT 2136</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 01/07/2008</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,628

Applicant(s)

RAO ET AL.

Examiner

Chinwendu C. Okoronkwo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Priority

1. Examiner acknowledges that the claim for priority of Provisional Application 60/457349 is valid.

Response to Amendment

2. In response to communications filed on 12/12/2007, applicant amends claims 1-6, 8, 11 and 15; cancels claim 16. The following claims, claims 1-15 are presented for examination.

Response to Remarks/Arguments

3. Applicant's arguments, pages 6-10, with respect to the rejection of claims 1-15 have been fully considered but they are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lumme et al. (US Patent No. 6,711,689 B2) in view of Thomas et al. (US Patent No. 6,038,288).

Regarding claim 1, Lumme et al., discloses a method for providing maintenance operations for a switch of a telecommunications service provider, while securing lawful intercept related data collected by the switch and stored in a database associated with the switch, comprising the steps of: encrypting that portion of the database including the intercept related data (col. 4 lines 62-67 and col. 5 lines 1-3).

Lumme et al. does not explicitly disclose preventing another entity outside the telecommunications service provider from decrypting that portion of the database including the intercept related data without authorization from the telecommunications service provider, however it would have been obvious for one of ordinary skill in the art, at the time of the invention, to modify the interception system and method of Lumme et al. to protect the intercepted data in such a way as to prevent another entity outside the telecommunications service provider from decrypting that portion of the database. The benefit of this modification would be that the intercepting entity maintains the objective of the interception, namely to

collect information/data to be used specifically by the requesting/proper law enforcement organizations.

Lumme et al. is silent in disclosing upgrading a portion of the database including upgradable control data for controlling the switch by another entity outside the telecommunications service provider, however Thomas et al. does disclose this feature (). It would have been obvious for one of ordinary skill in the art to , at the time of the invention, to combine the interception system and method of Lumme et al. with the system and method of maintenance of a switching node, the motivation and benefit being that there is a need for "switching node technology [to] constantly improve to [handle] escalated service demands (col. 1 lines 13-14)." Additionally, without such a feature the "downtime can be constly for end-offices, in that determining the source of, and troubleshooting, the problem can take hours and even days (col. 1 lines 22-24)." Therefore it would have been obvious that "one solution currently adopted by switch manufacturers involves adding both hardware and software maintenance features to the switch to simplify the troubleshooting efforts of technicians (col. 1 lines 27-30)."

Regarding claim 2, Lumme et al., discloses the method according to claim 1, further comprising the step of creating a logical key at the telecommunications

company that allows the portion of the database including the intercept related data to be decrypted (col. 8 lines 47-67 and col. 9 lines 52-56).

Regarding claim 3, Lumme et al., discloses the method according to claim 1, further comprising the step of inserting the logical key into the portion of the database including the intercept related data to be encrypted (col. 4 lines 62-67 and col. 5 lines 1-3).

Regarding claim 4, Lumme et al., discloses the method according to claim 1, further comprising the step of creating the key creates a software key that is used for the encryption of the portion of the database including the intercept related data (col. 10 lines 66-67 and col. 11 lines 1-39).

Regarding claim 5, Lumme et al., discloses the method according to claim 1, further comprising the step of blocking access to display commands that cause the portion of the database including the intercept related data to be displayed by the switch (col. 3 lines 26-36).

Regarding claim 6, Lumme et al., discloses the method according to claim 1, further comprising the step of sending the database to a vendor with the portion of the database that is encrypted (col. 3 lines 56-59).

Regarding claim 7, Lumme et al., discloses the method according to claim 6, further comprising the step of upgrading by the vendor without the need to decrypt or otherwise provide access to the sensitive intercept related data (col. 8 lines 47-67 and col. 9 lines 52-56).

Regarding claim 8, Lumme et al., discloses the method according to claim 1, further comprising the step of storing programming code for controlling the switch in the portion of the database including the intercept related data (col. 3 lines 26-59).

Regarding claim 9, Lumme et al., discloses the method according to claim 1, further comprising the step of providing protection for the intercept related data in accordance with a lawful intercept legislation (col. 1 lines 32-52).

Regarding claim 10, Lumme et al., discloses the method according to claim 9, wherein the lawful intercept legislation is CALEA (col. 1 lines 32-52).

Regarding claim 11, Lumme et al., discloses an apparatus for providing maintenance operations for a switch of a telecommunications service provider, while securing intercept related data collected by the telecommunications service provider, comprising: a database for storing an encrypted version of intercept related data and for storing upgradable control data for controlling the switch (col.

3 lines 26-59); and a logical key at the telecommunications company that allows a portion of the database including the intercept related data to be decrypted (Rejected under the same rationale as claim 1 and citations of col. 10 lines 66-67 and col. 11 lines 1-39).

Regarding claim 12, Lumme et al., discloses the apparatus according to claim 11, further comprising a switch at the telecommunications service provider (col. 1 lines 31-32).

Regarding claim 13, Lumme et al., discloses the apparatus according to claim 11, wherein the logical key is a software key that used for the encryption of the portion of the database including the intercept related data (col. 10 lines 66-67 and col. 11 lines 1-39).

Regarding claim 14, Lumme et al., discloses the apparatus according to claim 11, further comprising a vendor switch (col. 1 lines 31-32).

Regarding claim 15, Lumme et al., discloses the apparatus according to claim 14, wherein the vendor switch is programmed to prevent display of commands that cause the portion of the database including the intercept related data to be displayed (col. 1 lines 20-41).

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chinwendu C. Okoronkwo whose telephone number is (571) 272 2662. The examiner can normally be reached on MWF 2:30 - 6:00, TR 9:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571) 272 4195. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

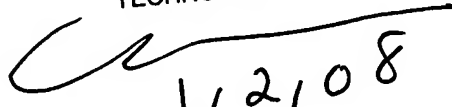
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CCO

January 2, 2008

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1/2/08